

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF HUMAN RIGHTS

State of Minnesota by  
Velma Korbel, Commissioner,  
Department of Human Rights,

Complainant,

**AWARD OF LITIGATION  
AND HEARING COSTS**

v.

County of Kandiyohi,

Respondent.

The above-entitled matter came on for hearing before Administrative Law Judge Allan W. Klein on cross motions for summary disposition. The record closed on August 9, 2004, the date the Judge heard oral argument on the motions. On September 22, 2004, the Administrative Law Judge issued a decision finding that the Respondent had discriminated against an inmate on the basis of disability in violation of the Minnesota Human Rights Act. The matter is now before the Administrative Law Judge to determine what, if any, litigation and hearing costs should be awarded. The record closed on October 20, 2004.

Mark B. Levinger, Assistant Attorney General, 445 Minnesota Street, Suite 1100, St. Paul, Minnesota 55101-2128, represented the Commissioner of Human Rights ("Complainant"). Stephen G. Anderson, Attorney at Law, Ratwik, Roszak & Maloney, PA, 300 US Trust Building, 730 Second Avenue South, Minneapolis, MN 55402, represented Kandiyohi County ("Respondent").

Based upon all of the files, records, and arguments of counsel and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

**ORDER**

IT IS HEREBY ORDERED as follows:

1. The Respondent shall pay the Commissioner of Human Rights within 30 days of the date of this Order the amount of \$6,857.61 for litigation and hearing costs in this matter.
2. This Order is effective immediately.

Dated this 26<sup>th</sup> day of October 2004.

S/ Allan W. Klein

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ALLAN W. KLEIN

Administrative Law Judge

## **NOTICE**

Pursuant to Minn. Stat. § 363A.29, subd. 3, this Order is the final decision in this case and, under Minn. Stat. § 363A.29, subd. 1, any person aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63 through 14.68.

## **MEMORANDUM**

Pursuant to Minn. Stat. § 363A.29, subd. 11 (2004), the Administrative Law Judge must order a Respondent who is determined to have engaged in an unfair discriminatory practice to reimburse the Department of Human Rights for all appropriate litigation and hearing costs, unless payment of the costs would impose a financial hardship on the Respondent. This provision defines appropriate costs to include the cost of services rendered by “the attorney general, ... administrative law judges, court reporters . . . as well as the costs of transcripts and other necessary supplies and materials.”

The Commissioner has submitted an affidavit and exhibits in support of the Department’s request for reimbursement of its costs and disbursements in this matter. The Commissioner seeks reimbursement of the litigation and hearing costs charged to the Human Rights Department by the Office of Administrative Hearings. As of the date of this Order, litigation and hearing costs for this matter amount to \$6,857.61. This amount includes the amount of \$342.11 for the cost of transcripts for two depositions in this matter, and \$6,515.50 for OAH services provided during the period of March 2004 through September 22, 2004. The Complainant is not making any claim for the time or expenses of its attorneys in this matter.

The Administrative Law Judge finds the fees and expenses for services associated with this matter to be appropriate and reasonable. In addition, there is no evidence in the record upon which to conclude that Respondent will suffer a financial hardship if ordered to pay litigation and hearing costs in this matter. Therefore, the Administrative Law Judge concludes that a total award of \$6,857.61 for costs and disbursements in this matter is reasonable and justified under the circumstances of the case. Respondent is ordered to reimburse the Department this amount.

A.W.K.